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Convention on the Elimination of All Forms of Discrimination against Women

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Committee on the Elimination of Discrimination against Women
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Summary record of the 1587th meeting
Held at the Palais des Nations, Geneva, on Thursday, 1 March 2018, at 3 p.m.

Chair: Ms. Leinarte

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The meeting was called to order at 3 p.m.

Consideration of reports submitted by States parties under article 18 of the Convention (*continued*)

Combined sixth and seventh periodic reports of Luxembourg (*continued*) (CEDAW/C/LUX/6-7 and CEDAW/C/LUX/QPR/6-7)

1. *At the invitation of the Chair, the delegation of Luxembourg took places at the Committee table.*

Articles 7 to 9 (continued)

2. **Ms. Mutsch** (Luxembourg) said that the Government had adopted a law that required political parties to set a 40 per cent quota on their electoral lists for men or women, depending on which gender was underrepresented. Financial sanctions were imposed on parties that failed to comply with that requirement. A campaign had been carried out to raise public awareness of the importance of having a good gender balance in the parliament and in Government.

3. The non-profit organization Female Board Pool was responsible for drawing up lists of women who were prepared to take up positions on boards. The organization had created a database of 600 women experts in a wide range of areas, including those traditionally dominated by men, who were ready to be recruited to corporate boards at short notice. Steps had been taken to raise awareness of the database in order to encourage companies to recruit women to their boards.

4. A survey had been carried out to determine why women did not tend to occupy decision-making positions in companies, political parties and other organizations. The women surveyed had replied that, although they believed that women could carry out decision-making roles as well as men, they personally lacked the necessary experience or knowledge for such roles or were prevented from performing such a role by other obligations. The results of the survey were used as the basis for launching an awareness-raising campaign and introducing good practices in a number of government agencies.

Article 10 to 14 (continued)

5. **Mr. Janizzi** (Luxembourg) said that school education was mandatory and free in Luxembourg. Schoolbooks were currently free at the primary level and would also be free at the secondary level as from September 2018 to ensure that children from low-income families did not face any financial barriers to education. In accordance with the reform of the system of State aid for university education carried out several years previously, assistance would be provided to university students in accordance with their parents' income level and the cost of their accommodation.

6. Following the adoption of a new law, the position of intercultural mediator had been established. Intercultural mediators spoke a number of languages and facilitated communication between teachers, foreign pupils, school authorities and parents free of charge. They translated educational materials into pupils' languages of origin, acted as interpreters in discussions between teachers and parents and provided support to pupils in class.

7. The National Youth Service had adopted a number of measures to tackle the problem of bullying. The problem in question was addressed by a new course entitled "Life and Society", which encouraged children to show respect for each other. Victims of group bullying could obtain support from the counselling services available in all secondary schools. The National Youth Service would cover the cost of emergency or ongoing psychological treatment for child victims of bullying in school.

8. **Ms. Mutsch** (Luxembourg) said that Girls' Day-Boys' Day served as an opportunity to impress on children that they could consider any career path that they wished to pursue, irrespective of their gender. Whereas, in previous years, steps had been taken to persuade girls to consider fields traditionally dominated by their male counterparts, and vice versa,

care was now taken to avoid labelling any profession as a typically male or female profession.

9. A National Reference Centre for the Promotion of Emotional and Sexual Health had been established in accordance with the National Plan on Sexual and Emotional Health. A start-up budget had been allocated to the Centre while an action plan and a multi-year programme were being drawn up. The start-up budget in question had enabled the centre to recruit staff and acquire the facilities that it needed. In the long term, the budget allocated to the Centre would depend on its action plan and on the extent to which its work expanded.

10. **Ms. Song** Wenyan said that it was important to increase the number of women in decision-making positions not only at the national level but also at a local level as the latter often served as a nurturing ground for women decision makers. The presence of a greater number of women decision makers at the local level could help to win more votes for women at the national level.

11. **Mr. Bergby**, noting that the gender wage gap in the State party was impressively low, said that he wished to know what measures would be taken to eliminate that gap completely. In view of the fact that a higher percentage of women than men were in employment, he asked what measures would be taken to establish equal opportunities in the labour market for women, particularly women from migrant communities. The Committee wished to know whether the State party was considering taking action on the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

12. A relatively low percentage of women occupied managerial positions and positions on the boards of companies. Increasing the number of women in managerial positions would increase the number of women on boards, and vice versa. In view of that situation, he asked whether temporary or permanent quotas would be established to increase the number of women on company boards. Noting that a law on the prevention of sexual harassment had been adopted in April 2000, he asked whether there was any difference in the extent to which it was implemented in the public and private sectors.

13. He wished to know how many men were taking advantage of the opportunity to take the parental leave provided for under the parental leave law that entered into force in late 2016. Under the law, mothers were required to have subscribed to health insurance for at least 6 of the 12 months preceding a period of leave in order to obtain a maternity allowance. In view of that fact, he asked whether women who had lost their jobs or been unemployed for a period longer than six months would be able to obtain such an allowance and whether rules on maternity allowances would benefit self-employed women. Lastly, he wished to know whether a man in paid employment would be entitled to parental leave if he had a child with a woman who was a student. Noting that a significantly higher percentage of women than men engaged in part-time work, resulting in lower wages and pensions for women, he asked what steps would be taken to encourage more men to work part-time so that they could play an equal role in caring for children and running the household.

14. **Ms. Chalal** said that she wished to know what measures would be taken to address the fact that, despite the anti-smoking campaigns that had been carried out, the number of girls and women who smoked remained very high. She asked what the objectives of the National Plan to Combat Smoking (2016–2020) were, whether sufficient funds had been allocated to the Plan, whether the Plan incorporated a gender perspective and whether assessments of the Plan had been carried out.

15. Noting that insufficient efforts had been made to implement and raise awareness of the National Programme on Promotion of Emotional and Sexual Health, she asked whether sufficient funds had been allocated to the Programme and whether steps would be taken to raise adolescent girls' awareness of the sexual and reproductive health services available to them, including medical and psychological services intended for pregnant teenage girls. It would be interesting to learn whether refugee, migrant and stateless women could obtain free access to abortion services.

16. The Committee was concerned at reports that contraceptives had been forcibly administered to girls and women, particularly those with mental disabilities living in

institutions, and at reports that women with disabilities were subjected to medical treatment without their consent. In view of that situation, she asked what administrative or legal measures would be taken to put an end to the forced sterilization of women and girls with mental disabilities living in institutions, whether a training programme on the rights of persons with disabilities was made available to health professionals and what steps would be taken to increase the access enjoyed by persons with disabilities to local health-care services. She wondered what steps would be taken to strengthen the law to ensure that intersex persons were not forcibly subjected to surgical and hormonal treatment, what remedies were available to victims of such treatment and whether any persons who had administered such treatment had been prosecuted.

17. Noting that women and girls were significantly more likely to be affected by mental health problems than men and boys, she asked whether disaggregated data on girls and women with mental health problems were available, what measures were being taken to address the rise in the number of persons suffering from depression and what steps would be taken to tackle sexism in advertisements for antidepressants.

18. **Ms. Mutsch** (Luxembourg) said that, following the recent adoption of legislation making it an offence for companies to pay unequal salaries to men and women doing the same job, companies were now more aware that persons who believed themselves to be unfairly paid were able to file complaints and seek remedies. Any companies that continued to pay unequal salaries to men and women were probably unaware that they were doing so. For that reason, steps were being taken to raise awareness of the new legislation and its consequences. The gender wage gap had been completely eliminated in the public sector and was expected to be eliminated in the private sector in the near future.

19. The number of women taking parental leave had increased by almost 30 per cent between 2016 and 2017 while the number of men taking such leave had increased by over 200 per cent over the same period. In 2016, the employment rate for women had been 65.1 per cent while the rate for men had been 76.1 per cent. Around 19 per cent of persons aged between 20 and 64 years worked part-time. Part-time workers, who were far more likely to be women, received lower wages and lower pensions and had a greater risk of falling into poverty than full-time workers. Although the Government did not wish to force individuals to take decisions that would adversely affect their family life, it would aim to ensure that men and women who wished to do so were able to work full-time.

20. The range of services provided by the Luxembourg Employment Office had been expanded to provide greater assistance to women who wished to enter the labour market. The Government had taken account of the European Framework Agreement on Harassment and Violence at Work, which had been transposed into domestic law. The Inspectorate of Labour and Mines undertook inspections to identify and address occurrences of sexual harassment in the workplace. The Inspectorate intended to establish a special unit which could be contacted by persons who believed that they were victims either of sexual harassment or unequal pay.

21. Luxembourg intended to ratify the Protocol to Eliminate Illicit Trade in Tobacco Products, which would enter into force in September 2018. The bill on the country's ratification of the Protocol would come before lawmakers in the coming weeks. Legislative measures had recently been taken to combat smoking and tobacco use. The scope of application of smoking bans had been expanded to include, for instance, indoor or outdoor sporting facilities where minors under the age of 16 practised a sport and private vehicles with children under the age of 12 on board. On average, the country's anti-tobacco legislation, which was among the most stringent in Europe, was stiffened every three years. The latest amendments had taken into consideration the alarming rise in smoking rates among girls.

22. **Ms. Stoffel** (Luxembourg) said that, under recent amendments to the law, all women in Luxembourg had access to surgical or non-surgical abortion. In the near future, Planning Familial, a non-governmental organization (NGO) that provided family planning services, would offer non-surgical abortion free of charge. The cost of contraception was covered by the State for all women up to the age of 25, and a bill that would enable women up to the age of 30 to be reimbursed for what they spent on contraceptives was currently in

development. Psychosocial assistance was available from Planning Familial, which had a unit that worked especially with migrant women, and from the Luxembourg Reception and Integration Agency (OLAI). Forced sterilization would be covered by the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention). There was a legal framework for the treatment of persons with mental disabilities, including women. The Act of 24 July 2014, the Patients' Rights and Obligations Act, also established rules relating to consent to treatment.

23. Information on the effectiveness of the National Plan to Combat Smoking (2016–2020), which targeted both men and women, would be submitted in writing in due course. A number of campaigns promoting healthy living were conducted, and some were aimed at pregnant women. Those campaigns necessarily touched on the dangers of tobacco and alcohol.

24. The Government was currently studying issues relating to intersex children. Medical matters concerning such children would fall within the scope of the Patients' Rights and Obligations Act. At the moment, Malta was the only country in Europe to have adopted legislation regarding intersex children.

25. **Ms. Mutsch** (Luxembourg) said that the current Government had made considerable efforts to ensure that 40 per cent of the members of the boards of the companies in which the State held a share were women. Women accounted for a similar percentage of the members of the boards of public institutions. The Government habitually sent other relevant institutions letters encouraging them to take the issue of gender balance into consideration when they nominated board members. There were no quotas for the representation of women on private-sector corporate boards, and, as plans to introduce them were not part of the programme of government, no such quotas would be introduced by the current Government. She would nonetheless attempt to ensure that introducing such quotas was a plank in her party's platform for the general elections to be held in October 2018.

26. **Ms. Chalal** said that she would welcome an indication of what empowering women in the field of health involved.

27. **Ms. Hofmeister** said that she wished to know how long, under the current statute of limitations, intersex persons had to file claims for damages for the genital mutilation they had been subjected to as infants or young children by hospitals and medical staff. She also wished to know how medical procedures undertaken for the purpose of changing an intersex person's sex at the person's request were addressed by the State party's current and planned legislation on genital mutilation. In addition, she wondered what State support was given to transgender and intersex persons.

28. **Ms. Mutsch** (Luxembourg) said that the efforts made by Luxembourg to empower women in the field of health involved pushing for women's sexual and reproductive rights as part of its work with the World Health Organization, where, for instance, it had issued a strong warning about the so-called global gag rule, also known as the Mexico City Policy. Under that Policy, NGOs receiving overseas health aid from the United States of America were required to certify that they did not use their funds to provide abortion services, counsel patients about the option of abortion, refer them for abortion or advocate for the liberalization of abortion laws.

29. Luxembourg also made efforts to empower women through its international cooperation and aid policies. The Grand Duchess, for instance, took a particular interest in microfinance, which made it possible for women in rural areas of developing countries to start their own businesses. In addition, Luxembourg helped empower women and girls by contributing to the "She Decides" initiative, a global movement to promote, provide, protect and enhance the fundamental rights of women and girls.

30. A bill on matters relating to lesbian, gay, bisexual, transgender and intersex persons was currently in committee. The bill, which was informed by the principle of self-determination, sought to prohibit the surgical assignment of a person's sex without the consent of the person concerned.

31. **Mr. Janizzi** (Luxembourg) said that Luxembourg complied with resolution 2191 (2017) of the Council of Europe, which promoted the rights of intersex persons and the

elimination of the discrimination they faced. The country's authorities recommended that intersex children should not be subjected to sex assignment surgery. Sex assignment surgery was not akin to female genital mutilation. The problem was that such surgery could be recommended by a doctor to parents who might well be inclined to take the doctor's advice, whereas female genital mutilation was opposed by all health personnel.

32. **Ms. Fisch** (Luxembourg) said that Luxembourg did not intend to take steps towards the ratification of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families. States members of the European Union were not in a position to accede to the Convention unilaterally, and, as it happened, no such State had even signed it. In addition, the Convention did not enshrine any rights that migrant workers in Luxembourg, in an irregular situation or not, did not already enjoy.

33. **Ms. Hofmeister** said that the delegation had addressed the issue of intersex children. Her concern, however, was intersex adults, who should be allowed surgical reconstruction of their genitals under the proposed new legislation.

34. **Ms. Schroeder** (Luxembourg) said that the aim of bill No. 7146, which could be consulted on the website of the Chamber of Deputies, was to strengthen the rights of transgender and intersex persons. The bill, once made law, would establish a simple administrative procedure enabling a person to change the given names and sex that appeared in his or her vital records without undergoing a medical procedure. A number of associations, including associations of transgender and intersex persons, had been instrumental in the formulation of the bill. An interministerial working group was considering the possibility of allowing a person to be designated as a member of a third sex.

35. It would be against the law to discriminate against a person on the grounds of his or her gender identity once the bill on the ratification of the Istanbul Convention was adopted. In addition, discriminating against a person on the grounds of his or her change from one sex to another could be considered sex discrimination. As part of the ratification of that Convention, the statute of limitations for sexual violence against a child, including genital mutilation, would be extended to 10 years, a period that would start when the child reached the age of majority. The statute of limitations for sexual violence against adults would also be extended.

36. **Ms. Acar** said that, as the Istanbul Convention did not mention intersex persons, issues of concern to them should be considered separately.

37. **Ms. Schroeder** (Luxembourg) said that the Istanbul Convention covered all women, including intersex persons.

38. **Ms. Hofmeister** asked whether maternity benefits for single freelancers and independent businesswomen were sufficient, whether women, in particular in rural areas, owned property, how laws on succession treated farms, how many women had inherited farms or agricultural businesses in the past 10 years and what obstacles women seeking bank or other financing faced. She also asked whether data concerning the loans and mortgages provided by banks were available, what financing instruments women preferred and whether women frequently started ventures of their own. In much the same connection, she would welcome information on the means available to women to prepare for their retirement, including old-age pensions. It would likewise be interesting to have information on women as investors in collective investment schemes such as unit trusts (*société d'investissement à capital variable*) and others. More generally, she wondered what efforts the State party made to fight poverty among women.

39. **Ms. Acosta Vargas** said that she would welcome more information on the laws that protected female domestic workers, many of them migrants. She wondered whether such workers had access to complaints mechanisms and whether they had the right to form trade unions. She also wondered whether the conditions in which they worked were monitored by a public authority. Lastly, she asked whether the State party intended to ratify the International Labour Organization (ILO) Domestic Workers Convention, 2011 (No. 189).

40. The delegation did not have statistics on the percentage of landowners who were women. Women who were married to farmers were automatically affiliated with the social security system and thus benefited from health insurance and the pension scheme. The

provisions relating to inheritance made no distinction on the basis of sex. Some women were farm owners and operators; in fact, the person who had recently won the prize for entrepreneurial excellence among women was a pig farmer. The delegation would subsequently forward statistics on loans and banking, as it did not have them available. There were numerous programmes in place to encourage women's entrepreneurship, including an affirmative action programme aimed at ensuring a work-family balance, reducing gender inequality in remuneration and providing women with greater access to decision-making posts. In the context of an international network among certain French-speaking countries, the State party had provided funding to support around 200 women entrepreneurs, in particular through coaching and mentoring. Such activities, often carried out by women for women, were aimed at improving networking and increasing women's understanding and contacts with financing institutions. A number of banks had established specific programmes to provide services for women in fund management and succession and inheritance planning.

41. **Ms. Goedert** (Luxembourg) said that, although ILO Convention No. 189 had not been ratified, the Ministry of Labour was currently looking into the possibility of doing so.

Articles 15 and 16

42. **Ms. Verges** said that the Committee would like to receive statistics about complaints filed by women with the Ombudsman's Office, the Centre for Equal Treatment and the Advisory Commission on Human Rights, and also on their access to those institutions. Was the Ministry of Equal Opportunity able to submit cases of discrimination directly to those bodies? The new marriage law that had entered into force in 2014 had introduced laudable changes, but it also included the possibility of a dispensation that would allow for early marriage in certain situations. Did the authorities plan to eliminate the dispensation? According to the periodic report, a new divorce bill had been proposed in 2016 and would institute no-fault divorce and establish the principle of shared parental responsibility. Had the bill been adopted? What provisions did the bill contain in relation to the division of property between divorced spouses who had or had not concluded prenuptial agreements?

43. **Ms. Schroeder** (Luxembourg) said that women and girls who were victims of discrimination were referred to human rights bodies such as the Ombudsman's Office, the Centre for Equal Treatment and, in the case of children, the Ombudsman for Children's Rights, and also to NGOs, which provided legal, psychological and social support. The new marriage law included a provision that could allow for marriage between minors only in exceptional circumstances and according to a specific procedure. The procedure required the authorization of a judge, who acted as the guarantor of the rights of the child. Judges had been instructed that they must not authorize marriage merely on the basis of pregnancy or the parents' traditional or cultural practice. If one parent consented to the marriage and the other opposed it, the judge had the last word, and the parents' rights were equal before the court. In past practice, the agreement of one parent had taken precedence over the refusal of the other.

44. The bill on divorce had not been adopted. It was currently under discussion in the parliament at committee level. Access to advisory, medical and legal services for women living in poverty or in vulnerable situations was provided free of charge by the Ministry of Equal Opportunity, which also referred women to other sources of support. The Government had established an effective social support system that provided maternity and birth allowances, paid parental leave and other forms of family support, including child and university study allowances. Any person could apply to the Ministry for the Family, Integration and the Greater Region for support, including financial assistance provided under the guaranteed minimum income scheme. The employment authorities too had specific programmes to assist women in finding employment.

45. **Ms. Hofmeister** said that, according to reports received by the Committee, female same-sex couples did not have the same rights in relation to filiation as did heterosexual couples, and lesbian, gay, bisexual, transsexual and intersex persons in refugee shelters experienced violence or marginalization. That community had found it objectionable that their situation was currently addressed by the Ministry for the Family, Integration and the

Greater Region, and not by the Ministry of Equal Opportunity. It would perhaps be useful for NGOs to give training on sex and gender diversity.

46. **Ms. Schroeder** (Luxembourg) said that fault-based divorce would be eliminated under the divorce bill. The bill specified that the division of marital property could be adapted to take account of the fact that one of the spouses had committed a criminal act against the other, and the victim could thus receive compensation. The division of property and pension rights would take into account the financial situation of the spouses, for example, if one of the spouses had suspended a career to take care of family responsibilities.

47. The bill on filiation originally submitted in 2013 had been amended. It would do away with the concept of legitimate filiation and would provide for the right of children to know their origins, the elimination of anonymous births, the establishment of a new registry document that would allow non-biological parents to legally recognize children born through assisted reproduction or surrogacy, access to assisted reproduction technologies, including post-mortem reproduction, and a legal framework for the recognition of children born through surrogacy in other countries. It would also prohibit surrogacy in Luxembourg. There were no provisions in the bill that discriminated against same-sex couples. The bill would introduce the concept of co-maternity or co-paternity for children who had same-sex parents; such parents would no longer have to undergo an adoption procedure. The bill was currently under consideration at the Council of State.

48. At shelters, no distinction was made between women on the basis of their gender identity. Gender identity had been included in the bill for the implementation of the Istanbul Convention, which would provide new opportunities to take action to curb violence against women. The Government had decided that the ministry principally responsible for ensuring the rights of the lesbian, gay, bisexual, transgender and intersex community should be the Ministry for the Family, Integration and the Greater Region. A number of associations assisted such persons, including victims of discrimination, and the staff of the Luxembourg Office of Reception and Integration, which provided assistance to persons applying for international protection and migrants, took gender identity into account when assessing cases. The Office's personnel were given specific training in the issues facing the needs of the community.

49. **Ms. Acar** said that the Committee would like to know whether there was a calendar for the ratification of the Istanbul Convention.

50. **Ms. Schroeder** (Luxembourg) said that the ratification could only take place once the Council of State had approved it. The Government hoped to pass the relevant legislation in 2018.

51. **Ms. Hofmeister** said that the Committee had heard reports that anti-Semitism, racism and hate speech against refugees were problems in the State party. What steps would the authorities take against those phenomena?

52. **Ms. Schroeder** (Luxembourg) said that any acts of discrimination or violence were prohibited under the Criminal Code, and that their commission by public servants was an aggravating circumstance. Victims could file complaints individually or as part of a group. The Centre for Equal Treatment was competent not only to deal with sex and gender discrimination, but also with forms of discrimination based on race or religion, and carried out public awareness campaigns to address such problems and activities with vulnerable groups in order to directly empower victims to take action and file complaints.

53. She wished to thank the Committee for an enriching dialogue that had made it possible to take stock of all the actions already carried out and had also identified how much still needed to be done. She underscored the importance of working with men and men's associations to effect societal change for the benefit of women and girls and for gender equality. Her Ministry took part, for instance, in the International Conference on Men and Equal Opportunities. To tackle gender stereotypes, it was important to find a space for women in finance, economics and research, but it was also important to encourage male participation in social services, voluntary action, child-raising and education and to enlist the support of men in the interests of gender equality.

The meeting rose at 4.50 p.m.